

REMARKS

Claims 19 through 28 remain in the application. Claims 19, 20, 22, 23, and 27 have been amended. Claim 19 is in independent form.

Claims 19, 20, 23, and 27 have been amended to correct minor grammatical errors. No new matter has been added to the claims.

Claim 22 has been amended to insert the phrase "in said" to correct an informality, as suggested by the Examiner.

The Examiner has rejected claims 19 and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 5, 6, 8, 16, and 17 of U.S. Patent No. 6,315,006 ("the '006 reference"). The Examiner has stated that although the conflicting claims are not identical, they are not patentably distinct from one another because the language of claims 19 and 20 is encompassed by the limitations set forth in claims 5, 6, 8, 16, and 17 of the '006 reference.

Applicant respectfully traverses the rejection of claims 19 and 20 in the above-captioned application under obviousness-type double patenting on the ground that claims 19 and 20 are indeed patentably distinct from claims 5, 6, 8, 16, and 17 of the '006 reference. In the above-captioned application, claim 19, which is an independent claim, is directed to a pipe insulation coupling including an elongated body extending along a longitudinal axis and having first and second generally C-shaped clam shell portions wherein the first and second clam shell portions define a cylindrical outer tube wall, a cylindrical inner tube wall spaced inwardly from the outer tube wall, and a planar wall transverse to the longitudinal axis for interconnecting the inner and outer tube walls. Claim 19 also includes the limitation of at least one hinge interconnecting the first and second clam shell portions longitudinally for pivoting the clam shell portions from an

open position to a closed position. Claim 20, which depends from claim 19, adds the limitation of a channel defined by the inner and outer tube walls.

Meanwhile, claim 5 of the '006 reference is directed to a pipe insulation coupling including an elongated body having first and second C-shaped clam shell portions. Claim 6 of the '006 reference specifies that the elongated body includes a living hinge interconnecting the first and second clam shell portions. Claims 5 and 6 depend from independent claim 1 and include all of the limitations contained therein. Claim 1 recites a pipe insulation coupling having an elongated body extending along a longitudinal axis and including a cylindrical outer tube wall, a cylindrical inner tube wall, a planar wall transverse to the longitudinal axis for interconnecting the outer and inner tube walls, and at least one of the outer and inner tube walls having a tapered inner surface extending from the planar wall to decrease the space between the outer tube wall and the inner tube wall.

Claim 19 of the above-captioned application does not include the limitation that at least one of the outer and inner tube walls have a tapered inner surface. Thus, claim 19, as well as claim 20 depending therefrom, is patentably distinct from claims 5 and 6 of the '006 reference.

Claim 8 of the '006 reference is directed to a pipe insulation coupling including: an elongated body extending along a longitudinal axis between first and second ends and having first and second generally C-shaped clam shell portions; a living hinge interconnecting the first and second C-shaped clam shell portions; a cylindrical outer tube wall; a cylindrical inner tube wall; a planar wall positioned transverse to the longitudinal axis for interconnecting the outer and inner tube walls; and at least one of the outer and inner tube walls having a tapered inner surface extending from the planar wall to each of the first and second ends.

Claim 19 of the above-captioned application does not include the limitation that at least one of the outer and inner tube walls have a tapered inner surface. Thus, claim 19, as well as claim 20 depending therefrom, is patentably distinct from claim 8 of the '006 reference.

Claim 16 of the '006 reference is directed towards a pipe insulation coupling including an elongated body having first and second generally C-shaped clam shell portions. Claim 17 of the '006 reference recites a living hinge interconnecting the first and second clam shell portions. Claims 16 and 17 depend from independent claim 12 and include all of the limitations set forth therein. Claim 12 is directed to a combination of a pipe and pipe insulation coupling including a tubular pipe, a pipe insulation tubing, and a pipe insulation coupling having an elongated body extending along a longitudinal axis between first and second ends wherein the elongated body includes a cylindrical outer tube wall, a cylindrical inner tube wall, a planar wall, and at least one of the outer and inner tube walls having a tapered inner surface extending from the planar wall to each of the first and second ends.

Claim 19 of the above-captioned application does not include the limitation that at least one of the outer and inner tube walls have a tapered inner surface. Thus, claim 19, as well as claim 20 depending therefrom, is patentably distinct from claims 16 and 17 of the '006 reference.

Since claims 19 and 20 of the above-captioned application are patentably distinct from claims 5, 6, 8, 16, and 17 of the '006 reference, Applicant respectfully requests that the rejection of claims 19 and 20 under obviousness-type double patenting as being unpatentable be withdrawn.

Finally, Applicant has submitted herewith a terminal disclaimer disclaiming the terminal part of the statutory term of any patent granted on the above-captioned application that would

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extend beyond the expiration date of the full statutory term of commonly owned U.S. Patent No. 6,315,006.

Accordingly, it is believed that the application is in condition for more favorable consideration and allowance.

Respectfully submitted,



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